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AND

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RICHMOND: PRINTED BY THOMAS NICOLSON.

At a COURT *of* APPEALS, *held at the Courthouse in* RICHMOND, *on* MONDAY, *the 12th of* MAY, 1788.

On consideration of a late act of Assembly, intituled "An act establishing District Courts," after several conferences and upon mature deliberation, the court do adjudge that clerks of the said courts ought not now to be appointed, for reasons contained in a Remonstrance to the General Assembly in the words following, to wit:

To the Hon the SPEAKERS and other MEMBERS of the SENATE and HOUSE of DELEGATES, of the COMMONWEALTH of VIRGINIA, in GENERAL ASSEMBLY,

The respectful REMONSTRANCE *of the* COURT *of* APPEALS.

THE Remonstrants finding themselves called upon by a late act of the General Assembly, intituled "*An act establishing District Courts*," to proceed at this session to the appointment of clerks to the said courts that whole act was necessarily brought into their view; in considering which they encountered many difficulties, of an ordinary nature, such as, whether their power of appointing now, though directed by the second section was not controuled by the 11 6th, declaring that the act should take effect and be in force from and after the first day of July, in the year 1788 and not before; whether the District Courts have jurisdiction of any suits now depending in the General Court of above £30 value; whether any and what, provision was made for the trial of criminals, who might remain in the public jail after the session of the General Court in June next, or who might be examined and committed prior the said first day of July; and whether, for want of precision in several other parts of the law, it was, in the respective cases, to operate from the time of passing, or from the first day of July. (In other instances, particularly in the construction of the late execution law, regularly brought before the court this term, they have to lament the last difficulty, which they found so great, that nothing but the repose of the community, and the necessity of having one uniform system in that respect could have induced the court to decide upon it, at least without farther consideration.)

But in the progress of their discussion, they found it unavoidable to consider more important questions, viz. Whether the principles of this act do not violate those of the Constitution or form of Government, which the people in 1776, when the former bands of their society were dissolved, established as the foundation of that government which they judged necessary for the preservation of their persons and property; and if such violation were apparent, whether they had power, and it was their duty to declare that the act must yield to the Constitution.

And here they have again to lament, that there should be occasion to decide those important questions in any case, especially at a time when the minds of the citizens are agitated upon other questions of great and national concern, more so that the necessity should occur in a case wherein their individual interests are involved, and still more, that a decision one way might suspend, though for a short time, the beneficial effects of a law tending to promote the speedy and easy administration of justice.

On this view of the subject, the following alternatives presented themselves to the court; either to decide those questions or resign their offices. The latter would have been their choice, if they could have considered the questions as affecting their individual interests only; but viewing them as relating to their office, and finding themselves called by their country to sustain an important post as one of the three pillars on which the great Fabric of Government was erected, they judged that a resignation would subject them to the reproach of deserting their station, and betraying the sacred interests of society entrusted with them, and on that ground found themselves obliged to decide, however their delicacy might be wounded, or what ever temporary inconveniencies might ensue, and in that decision to declare, that the Constitution and the act are in opposition and cannot exist together, and that the former must controul the operation of the latter. If this opinion, declaring the supremacy of the Constitution, needed any support, it may be found on the opinion of the Legislature themselves, who have in several instances considered the Constitution as prescribing limits to their powers as well as to those of the other departments of government.

In forming their judgment upon both questions, they had recourse to that article in the declaration of rights, that no free government, or the blessing of liberty can be preserved to any people but (among other things) by frequent recurrence to fundamental principles; an article worthy to be written in letters of gold The propriety and necessity of the independence of the Judges is evident in reason and the nature of their office, since they are to decide between government and the people as well as between contending citizens, and if they be dependent on either, corrupt influence may be apprehended, sacrificing the innocent to popular prejudice: And subjecting the poor to oppression and persecution by the rich. And this applies more forcibly to exclude a dependence on the Legislature, a branch of whom, in cases of impeachment, is itself a party.—This principle supposed, the court are led to consider, whether the people have secured, or departed from it, in their Constitution or form of government——In that solemn act they discover the people distributing the governmental powers into three great branches, Legislative, Executive, and Judiciary, in order to preserve that equipoise, which they judged necessary to secure their liberty, declaring that those powers be kept separate and distinct from each other, and that no person shall exercise at the same time an office in more than one of them The independence of the two former could not be admitted, because in them a long continuance in office might be dangerous to liberty, and therefore they provided for a change, by frequent elections at stated periods; but in the last, from the influence of the principle before observed upon, they declared, that the Judges should hold their offices during good behaviour. Their independence would have been rendered complete, by fixing the quantum of their salaries, which perhaps would have been done, if the duties of their office had been at that time ascertained. But although it was not then done, yet in respect to this, the Constitution gives a principle, not to be departed from, declaring that the salaries shall be adequate and fixed, leaving it to the Legislature to judge what would be adequate when they should appoint the duties And when they had so done they exercised their whole power over the subject, and the salary was thenceforth to be considered as fixed, while the duties should continue the same, and when public utility should require an increase or diminution of duty, there should be an analogous alteration of salary with this restriction, however, that such regulation should not blend the duties of the Judges of the General Court, Court of Chancery, and Court of Admiralty, which the Constitution seems to require to be exercised by distinct persons; and the Legislature appear to have so considered it in the arrangement of those courts.

The Court of Appeals, of whomsoever constituted, must necessarily act upon the subjects referred to all the others, and therefore the forming it so as to consist of all the Judges is no violation of the Constitution; and that mode, assimilated to adjournments, of cases before all the Judges of England in the Exchequer chamber, may have been dictated by necessity

The court then proceeded to consider what had been done by the Legislature in consequence of the Constitution In the October session of 1777 they passed two acts, organizing the General Court and court of Chancery, giving to the former jurisdiction at common law, in civil cases as well as criminal, and to the latter, jurisdiction in all cases in equity. The duties of each were distinctly pointed out, and a salary of £ 00 to each Judge was thought by the Legislature to be an adequate reward for those duties, and this previous to the appointment of any Judges. The election of the Judges followed, when four of those at present in office were of the number elected; who thinking, as they still think, the salary was adequate to the services, declined other pursuits, and accepted their appointments, under a confidence that the Constitution, would entitle them to that salary so long as they should perform the duty, in an upright manner. The nominal sum they conceived was to be paid them in specie, or in something equivalent thereto, and they have reason to believe the Legislature so understood it, from laws in force at that period, making it penal to demand an allowance for the difference between specie and paper-money And though the other Judges have been called into duty by subsequent appointments they may be supposed to stand upon the same ground of original compact. The Court of Admiralty, indeed, was not permanently constituted until the year 1779, and the Judges then appointed, yet by being made Judges of the Court of Appeals, they have ever since been put upon the same footing with their brethren in point of salary. The various substitutions of paper-money and tobacco for specie, which was not to be had, the Judges considered as temporary expedients, which, though operating greatly to the diminution of their salaries, were not designed to affect their independence, and therefore they acquiesced, content to share in the public calamities, in hopes of a recurrence to the constitutional principle in better times. And they considered in the same light the act of 1781, stating the salary at £300, as dictated by necessity, and not proceeding from design, and therefore did not conceive it to be their official duty to interpose.

But the act now under consideration, presenting a system, which assigns to the Judges of the Chancery and Admiralty jurisdiction in common law cases, which so far may be considered as a new office, the labour of which would greatly exceed that of the former, without a correspondent reward, and to the Judges of the General Court duties, which though not enlarged as to their subjects, are yet more than doubled, without any increase of salary, appeared so evident an attack upon the independency of the Judges, that they thought it inconsistent with a conscientious discharge of their duty to pass it over. For vain would be the precautions of the founders of our government to secure liberty, if the Legislature, though restrained from changing the tenure of judicial offices, are at liberty to compel a resignation by reducing salaries to a copper or by making it a part of the official duty to become hewers of wood, and drawers of waters; or if, in case of a contrary disposition, they can make salaries exorbitant, or by lessening the duties render offices almost sinecures; the independence of the judiciary is in either case equally annihilated. The Court, however, willing to hope, that in the present instance the Legislature had no such design, but that inattention or some other circumstances might occasion the deviation, and that upon a revision of the subject, this law will be placed upon unexceptionable ground, had only to consider what ought to be their conduct in the mean time. The result of which was, that they ought not to do any thing officially in execution of an act which appeared to be contrary to the spirit of the Constitution, and therefore they declined to appoint the clerks of the District Courts under the said act.

To obviate a possible objection, that the court, while they are maintaining the independency of the judiciary, are countenancing encroachments of that branch upon the departments of others, and assuming a right to controul the Legislature, it may be observed, that when they decide between an act of the people and an act of the Legislature, they are within the line of their duty, declaring what the law is, and not making a new law. And ever disposed to maintain harmony with the other members of government, so necessary to promote the happiness of society, the court most sincerely wish, that the present infraction of the Constitution may be remedied by the Legislature themselves, and thereby all further uneasiness on the occasion be prevented But should their wishes be disappointed by the event they see no other alternative for a decision between the Legislature and Judiciary than an appeal to the people, whose servants both are and for whose sakes both were created, and who may exercise their original and supreme power, whenever they think proper To that tribunal, therefore, the court in that case, commit themselves, conscious of perfect integrity, in their intentions, however they may have been mistaken in their judgment."

It is ordered that the President of the Court do deliver the said remonstrance to his Excellency the Governour with a request that he will be pleased to lay the same before the General Assembly at their first session.

(A Copy)

Teste, J. BROWN, C. C.

HAGUE, March 6.

THE preparations making here for celebrating the anniversary of the birth of the Stadtholder, surpasses every thing seen in this republic on a like occasion; not only the greatest part of the houses, but all the principal streets, will be illuminated in a new taste, and the latter with pyramids and other ornaments. About an hundred triumphal arches, magnificently illuminated, will be disposed in the principal quarters, and form an admirable spectacle—The obelisk raised above an hundred feet in the Brutenhef, opposite the Stadtholderian palace, attracts the notice of the curious Eleven pieces of superb fire-works are preparing there. Among the triumphal arches those particularly distinguishable, are erected upon the canals of the Spui Princegragt, Bookhordstraat, Wagestraat, Spuistraat, Nordeinde, Voorhout, Tournoyveid, Plein, &c most of which are of the height of from 40 to 50 feet. We learn that preparations are making in all parts of the republic to celebrity of the 8th of this month.

Formal DECLARATON of WAR.

VIENNA.

An exact copy of the DECLARATION of WAR against the PORTE, as delivered at VIENNA to the FOREIGN AMBASSADORS:

ALL Europe have been witneſs to the good faith with which the Court of his Imperial Majeſty has for many years cultivated peace with the Ottoman Empire; the ſincere diſpoſitions it has manifeſted every occaſion to peſerve their good neighbourhood; its diſintereſted and indefatigable endeavours to avoid any interruption of their mutual harmony, and its readineſs to lend every office of mediation, to prevent any rupture between the Porte and the neighbouring Courts.

Theſe pacific intentions were lately diſplayed in the differences which aroſe between the Porte and the Empreſs of all Ruſſias, when the Emperor, uniting his endeavours with thoſe of his ally the King of France, omitted nothing which was likely to effect an amicable adjuſtment of their diſputes. And whereas the grievances and demands of the Court of Ruſſia did not exceed a requiſition for the juſt execuſion of the exiſting treaty between them and the Porte, and whereas the former Court ſhewed the moſt favourable diſpoſition to accommodate the differences, his Imperial Majeſty was not without hopes that his endeavours, joined to thoſe of the Court of Verſailles, would ſucceed in preventing a rupture, and that calamitous conſequences that muſt inevitably attend it.

But the Porte ſoon ſhewed the inefficacy of this attempt in the United Courts, and ſhutting their eyes againſt their ſalutary advice, and preſſing exhorbitations, had the injuſtice to refuſe the Ruſſian Envoy the neceſſary delay for a Courier to return with freſh inſtructions from Peterſburgh, and required him to ſign a formal deed, revoking and declaring void the treaty of commerce concluded between the Porte and Ruſſia, as well as every ſtipulation reſpecting the Crimea. And in conſequence of his refuſal to accede to a propoſition, which independent of its impropriety, exceeded the powers of an Envoy, the Porte did not heſitate to confine this Miniſter, contrary to the moſt ſacred laws of nations, in the priſon of the ſeven Towers, and declare war againſt Ruſſia at the ſame time.

By ſo violent a proceeding, things were brought to the moſt critical extremity; yet the Emperor did not loſe hopes, that hoſtilities might ſtill be prevented. He flattered himſelf that the Porte, yielding to the repreſentations of all the foreign Ambaſſadors reſiding at Conſtantinople, would be perſuaded to releaſe the Envoy, and give her Imperial Majeſty a ſatisfaction proportionate to the violation of the law of nations, offered to the perſon of her Miniſter, and thus a poſſibility occur of renewing conciliatory negociations.

But all thoſe hopes were entirely deſtroyed, by the Porte commencing open acts of hoſtility againſt all remonſtrances, and obliging Ruſſia to have recourſe to arms in her defence.

The Porte were not unacquainted with the ſtrict bands of amity and alliance which unite the Court of Vienna and Peterſburgh. Of this occurrence they were informed as well by verbal inſinuations, as by a Memorial preſented towards the cloſe of the year 1783. This was accompanied with an energetic repreſentation of the nature of this alliance, and the danger of provoking it.

The Ottoman Court have therefore themſelves only to blame, if the Emperor, after ſo many years employed in the preſervation of peace, and in his endeavours to live with them on the beſt terms; and after having ſeized upon every opportunity of amicable intervention, finds himſelf at length obliged by their conduct to comply with his engagements with the Empreſs, and take a part in the war which ſhe finds herſelf ſo forcibly drawn into.

The Emperor, by theſe facts and circumſtances, conceives himſelf authoriſed to rely, with the utmoſt confidence, on the approbation of all the Courts of Europe, and flatters himſelf that they will unite their wiſhes for the ſucceſs of his arms againſt the common enemy of Chriſtianity.

At VIENNA, 10th of February, 1788.

This Declaration was accompanied by a note from the Prince of Kaunitz Rieſberg, Chancellor of State, repeating the ſame meaning as the Declaration, and adding, that theſe ſentiments were announced at Conſtantinople by the Imperial Internuncio.

Feb 27. Letters of the 19th inſt. from the Imperial army in Croatia mention, that after having taken the fort of Dreſſnick, the troops were ſtationed on the Korona, near the fort, with their right wing extended to the feet of the mountains of Pliſſivicza, by which means the roads and paſſes to Bihach are opened.

That during the attack of Dreſſnick a detachment was ſent to ſummon the Turks poſted at Sturleigh to ſurrender They invited the commanding officer to approach within fifty paces on parole, when they made ſo briſk a fire on the detachment as to kill 50 men, which ſo enraged the Imperialiſts, that they put the whole Turkiſh garriſon to death.

That the Imperial troops had made an unſucceſsful attempt on Dubilza, in which they ſuffered a loſs of 82 killed and 349 wounded.

The emigrations of Turkiſh families into the Auſtrian territories, with their cattle and effects, were very frequent; and the Turkiſh troops had endeavoured in vain to prevent them.

By advices from Sclavonia of the 11th inſt. it appears, that 130 boats belonging to the Turks had been either taken or ſunk in the Save.

March 11. According to advices from the commander in chief in Hungary, dated Peterwaradin, Feb. 22, arrangements were made for ſeizing or deſtroying the Turkiſh veſſels upon the Danube. In conſequence of this Colonel Clernol ordered Major Legrad to proceed to the attack of the 9 large veſſels laying at anchor at Bereſka, and to endeavour to remove them to the oppoſite ſhore Notwithſtanding a reſolute oppoſition from the Turks, they were compelled to abandon their ſhips, ſix of which were taken to the other ſide of the river; the other three veſſels, which were ſurrounded with ice, were rendered unfit for ſervice We had four men killed and ſix wounded; the loſs of the enemy is not known.

In the night between the 10th and 11th of laſt month, a Turkiſh veſſel with 6 men on board, ſeveral horſes and other effects, was taken by our people on the lower part of the Gliſſur, and the men made priſoners of war.

March 5. For the greater ſecurity of the port of Trieſte, on the ſide towards the ſea, extenſive works are now carrying on there.

The government of Trieſte has publiſhed a ſtatement of the convents for both ſexes which have been ſuppreſſed in that city and in the countries of Gorcia and Gradiſca, in the reign of Joſeph II. Theſe monaſteries were 12 in number; 9 being for men, and the other for women.

FRONTIERS OF TURKEY, FEB. 17.

THE Grand Signior's body guards are augmented from 500 to 1000 men. The Sultan has increaſed their pay, and changed their arms and uniforms: Inſtead of the bow and arrows, their ordinary weapon, they are now provided each with a muſket, a ſabre and two piſtols. We cotinue to be aſſured that his Highneſs with his whole court wil remove to Adrianople, immediately upon the departure of the Grand Vizir for the army, in order that himſelf and the women of the Seraglio may not be expoſed to the inſolence of the populace, who generally abandon themſelves to all kinds of exceſſes, even towards their Sovereign, when unfavourable news from the army arrives at Conſtantinople.

PARIS, MARCH 13.

THEY talk of the promotion of five Marſhals of France, the Duke d'Harcourt, the Counts d'Eſtaing, Egmont, and Thiarre, and the Marquis de Conflans. They likewiſe ſay, that two others will be promoted, viz. the Count de Langeraw and the Bailiff de Suffrein.

They write from Rochelle, that three merchants of the reformed religion preſented themſelves, with their wives, to have the banns publiſhed, to renew their marriages, according to the new law. The curate to whom they addreſſed themſelves refuſed to publiſh their union; they then applied to the Biſhop of Rochelle, who has confined the curate's refuſal, and in conſequence, by this refuſal, incur all the diſgrace of the court.

March 14. They are this year to haſten the works at Cherbourg; before June they will be able to ſink four new cones; thoſe which have ſuffered will be repaired before that time. The dykes or moles are only ſunk nine feet inſtead of 50 or 20, which they were reported to be. We hope this grand work will be entirely finiſhed before the expiration of the 4 years they have allotted for them to be brought to perfection.

Some no leſs important works are ordered at Breſt; they are going to finiſh the fortifications which are wanting on the land ſide, which is the only weak part of Breſt. They will encloſe in theſe fortifications an eminence which commands the town, and the old citadel will then ſerve as a magazine to the port, for which it will be very uſeful. Theſe works may ſuſpend the buildings; but they are ſtill buſy in amaſſing materials, and new lighters are going to the North to fetch from thence what is bought there for the King's account.

LONDON, March 12.

THE Ambaſſador from the United Provinces, is at length arrived in London; but, after the miniſterial parade of the grand treaty we were to expect, his excellency, it ſeems, came away in ſuch a hurry, that he forgot to put it in his pocket.

The large regulations, reſpecting the Weſt-India mails, have been, and are likely to be, of the greateſt ſervice to government. Formerly they were diſpatched but once a month, or ſix weeks, which gave the French Iſlands, who had the pacquets much oftener, a ſuperior intelligence, both commercal and political, to ours, and which often produced the moſt ſerious conſequences.

To the above and many other ſalutary arrangements in the poſt-office, the public are indebted to the perſpicuity and indefatigable attention of Lord Walſingham, one of the preſent poſt-maſters-general

The arrival of the Ruſſian fleet in the Downs, (which will be as early as circumſtances will admit, it being the intention of the Czarina to make a powerful diviſion as ſoon as poſſible on the S. E of the Turkiſh dominions) depends upon the weather If the froſty ſeaſon ſhould continue very long, they cannot be here before June; on the other hand, if it ſhould ſoon become mild, the ſquadron may be off the Humber the beginning of May.

A circumſtance now occurs which occaſions no ſmall field for ſpeculation; every principal of the different departments of government muſt tranſact his buſineſs with the King perſonally before it paſſes through the forms of office. This has happened ever ſince the late diſturbances of laſt year in France and Holland.

March 21. The Emperor is very axious to begin his operations againſt the Turks. He has at this moment the two ableſt Generals in Europe, the field Marſhals Lacy and Laudon; but as they are very far advanced in years, and the latter in not a very good ſtate of health, he knows not how long he may have them, at leaſt in the career of active ſervice.

The ratification of the treaty ſo long in agitation between this country and the United Provinces, is now finally ſettled. Baron Nagell has aſſured government, in addition to the late diſpatches from ſir James Harris, that nothing wanting was on the part of the Republic, but the uſual forms for obtaining the ſanctions of the reſpective departments of the union.

According to the lateſt accounts from Vienna, dated the 20th of Feb. advices have been received there from field Marſhal Warrenſleben, commander of the Imperial troops in the Bannat, that on his receiving the Emperor's declaration of war, he ſent a party to the town of Gradiſtie, under the command of Lieut. Col. Whitrig, who took poſſeſſion of the place, and [illegible]ed two large veſſels, 20 ſmaller, and recovered one boat; but in doing which the Lieut. Colonel was wounded. The troops went from thence to Calobac, where they took two large veſſels, two ſmaller, and a flat-bottomed boat, with a great quantity of flour, corn & Turkiſh peas, which were all ſafe arrived in the Imperial army.

Alſo that Major General Papella had ſent a ſummons by 400 men from Old Orſowa to the Pacha of New Orſowa, where there were only 80 Turks, who immediately laid down their arms; and that he had iſſued a publication ſetting forth, that all the towns ſubmitted ſhould be free from plunder, and all the inhabitants be maintained in their religion and liberties.

Advices had been alſo received from General Whiſkey, at Peterwaradin, that part of his troops had made an attack on Gradiſka, and after keeping up a terrible fire for ſome time, had made a very large breach in the walls, but that the force was too ſmall to take poſſeſſion, although he had been informed by a ſpy, that the brave defenders amounted only to 400; but from the meaſures he had taken, he hoped to ſend a better account in a very ſhort time.

A merchant in this city has received a letter from Liſbon, which has the following article: "I have the pleaſure to acquaint you that a truce is on the point of being ſettled by this court with the Dey of Algiers, through the mediation of the court of Spain. However, the Queen is fully determined to have a fleet of obſervation in the Mediterranean, which will be a check on the Barbarians. We ſhall not forget the obligation we are under for the ſervice the Governour of Gibraltar has done us in protecting our ſhips, and preventing them from being taken by the pirates."

By advices of unqueſtionable authority from Conſtantinople, the French appear to have been ſecretly practiſing with the Miniſters of the ſublime Porte, to exclude the Engliſh from all trade and intercourſe with Suez, through the Red Sea. This, it is ſaid, they have effected, by aſſigning as a reaſon for their not oppoſing the entrance of the Ruſſian fleet into the Mediterranean, "that the Engliſh were averſe to it"—Be this as it may, an order has certainly been iſſued, in the form of a manifeſto, and in the name of the Grand Signior, by which all Engliſh ſhips, and ſhips belonging to the Eaſt-India company, are forbidden, after the firſt of December laſt, to approach the port of Suez, on any pretence whatever, on pain of having their ſhips ſeized, their goods confiſcated, their crews impriſoned, and their commanders puniſhed as pirates and rebels; the Engliſh Ambaſſador at Conſtantinople having declared, that all private ſhips were forbidden by his court from preſuming to enter the port of Suez after the day prefixed.

Other letters go farther, and ſay, that the French have obtained from the Porte the ſole privilege of navigating the Red Sea; and that all intercourſe from India with Europe, through that channel, is ſhut from all nations, the Turks and French excepted If this is true is it not time for England to look to her affairs in India?

The ring of ſubjects which now engage the public attention, is ſo extenſive as to comprehend the "great globe itſelf."—Aſia, furniſhes us with delinquent Nabobs—Africa with diſtreſſed blacks; and from America we have that important ſubject, a commercial regulation—to theſe we may add, a treaty with Holland—another with Ruſſia—an union with Ireland—and an hundred topics among ourſelves.

PHILADELPHIA, May 10.

Extract of a letter from a gentleman in New-Orleans, to his friend in this city, dated 25th March, 1788.

"THE miſery of this place I ſhall not undertake to deſcribe; ſuffice it to tell you, that New-Orleans, which conſiſted of 1100 houſes, was on Friday laſt, in the ſpace of five hours reduced by conflagration to 200. The rapid progreſs of the fire was ſuch, that but few merchandiſe, houſhold furniture, or cloathing have been ſaved."

WILMINGTON, (Del.) May 7.

IN New-Caſtle county, Apoquinimink hundred, Delaware ſtate, near Mr. Duncan Beard's, there is a piece of ground, which contains a valley with the adjacent hills, producing hickory with the natural grain, &c. turned into ſtone, a piece of which may be ſeen at this printing office.

RICHMOND, May 22.

HIS Moſt Chriſtian Majeſty (that he may be prepared for any event) hath ordered the number of his ſhips of the line to be completed to eighty.

Advice is received of the ſafe arrival, at Canton, of the ſhip Alliance, Captain Read, from Philadelphia.

Captain Travers, in the Brig Ceres at Baltimore from London, on the 23d of laſt month, in lat. 42. 3. long. 50. 30. ſpoke the brig Rappahannock, Captain Robert Scott, from Virginia, bound for Rotterdam; 12 days out, all well.

To all concerned in NAVIGATION.

☞ Pleaſe to note in your calculations for ſalt, that on the 13th of February, was engroſſed an act of parliament, that every American veſſel going into Turks-Iſland in ballaſt, and there load with ſalt, are to pay to the cuſtoms 2/6 ſterling per ton on the meaſurement of their veſſels——And ſo we go.—

No. 1.

Property for this world, and virtue for the next.

☞ This is to give notice that the ſtages which run into Richmond (inſtead of arriving on Monday's as uſual) will arrive there on Sunday the firſt day of June, in order to accommodate gentlemen going to the CONVENTION.—An extra Stage will leave Williamſburg and Frederickſburg on the ſame day, if neceſſary.

VIRGINIA to wit:

By his Excellency EDMUND RANDOLPH, *Esquire Governor of the Commonwealth.*

A PROCLAMATION.

WHEREAS a remonstrance to the General Assembly hath been delivered to the Executive by the President of the Honorable Court of Appeals, declaring, among other things "That the constitution, and the "act, intituled, "An act establishing District Courts," "are in opposition and cannot exist together; that the "former must controul the latter; and that the said "Court ought not to do any thing officially in the exe-"cution of an act, which appears to be contrary to "the spirit of the constitution." And it hath been moreover adjudged by the said Court, that clerks of the district courts ought not now to be appointed for reasons contained in the said remonstrance, which the said Court have requested to be laid before the General Assembly at their first session.

AND whereas an opportunity as early as possible ought to be given to the Legislature, to revise the said act, and examine the proceedings of the said Court, according to the standard of constitutional rights.

I have therefore thought fit, by and with the advice and consent of the Council of State, to call the General Assembly to meet at the public buildings in the city of Richmond, on Monday the 23d day of June next.—And the several Senators and Delegates are hereby required then and there to meet, in order to consult concerning the premises.

Seal

GIVEN under my hand and the seal of the Commonwealth at Richmond, this fourteenth day of May. in the year of our Lord one thousand seven hundred and eighty eight, and of the Commonwealth the twelfth.

EDMUND RANDOLPH.

☞ The several Printers in this state are requested to insert the foregoing proclamation in their papers.

☞ *For the convenience of those Gentlemen who are indebted to the Editor of this paper,— The following persons (to whom the packet of papers are sent) will receive the different sums due, and in whose hands the accounts are lodged, viz. Mr.* T. Greene, printer, *Fredericksburg. Mr.* John Grammar, *Petersburk. Mr.* John Driver *Suffolk. Mr.* George Purdie, *Smithfield. Mr.* Smith *Portsmouth. Mr.* Robert Nicolson, *Williamsburg. Mr.* Robert Brough, *Hampton.*

THE partnership of STEWART & CORREY joiners, being dissolved the first day of April last. All those indebted to them are requested to make immediate payment to the subscriber, and those who have any demands against them to make them known that they may be settled and paid, for which purpose, the house and shop, they occupied in this city, together with a variety of finished work in their line, household furniture, &c. &c. belonging to the said concern, will be sold by auction on the premises, on Monday the 3d day of June next The terms will be made known on the day of sale by

CHARLES STEWART.

Richmond, May 19, 1788

VIRGINIA, *to wit:*

At a High Court of Chancery, held in RICHMOND, the 21st of November 1787.

THOMAS LIVESAY, Plaintiff.

against

DAVID GRIFFETH and JOHN HARVIE, Esquire. } Defendants.

THE defendant David Griffeth not having entered his appearance and given security according to the act of Assembly and the rule of this Court, at appearing to the satisfactions of the Court, that he is not an inhabitant of this country. On the motion of the plaintiff by his Counsil it is ordered that the said defendant do appear here on the first day of the next Court and answer the bill of the plaintiff and that a copy of this order be forthwith inserted in the Virginia Gazette for two months successively, and published at some church of the Parish of Russell, in the county of Franklin on some Sunday immediately after divine service, and at the front door of the courthouse in the city of Richmond.

(A Copy)

GEORGE H. BASKERVILLE, C. H. C. C

VIRGINIA to wit:

At a High Court of Chancery, held in Richmond, the 21st of Nov. 1787.

THOMAS LIVESAY, Plaintiff.

against

ARTHUR DUFF, Defendant.

THE defendant ARTHUR DUFF, not having entered his appearance and given security according to the act of Assembly, and the rules of thia Court, and it appearing to the satisfaction of the Court, that he is not an inhabitant of this country. On the motion of the plantiff by his counsel, it is ordered that the said defendant do appear here on the first day of the next court, and answer the bill of the plaintiff, and that a copy of the order be forthwith inserted in the Virginia Gazette for two months successively, and published at some church of the parish of Russell, in the county of Franklin, on some Sunday immediately after divine service, and at the front door of the courthouse, in the city of Richmond.

(A copy)

GEORGE H. BASKERVILLE, C. H. C. C.

RICHMOND, May 20, 1788.

ALL persons indebted to William Allen, late of this city, Printer, are desired to call on Doctor Adams, and discharge their accounts, and those who have claims against him, will please apply and receive payment.

MEDICINES
JUST IMPORTED
From LONDON,
And sold Wholesale and Retail by
HUNT & ADAMS,
At their WAREHOUSE
In *Richmond* and *Williamsburg, viz.*

ALOES Barbadoes.
——Succotreni.
——Heppetic.
Arsenick white.
——Yellow.
Anniseeds.
Adams Tincture of red Bark.
Anderson's Scots Pills.
Antimony Crude.
Bark Peruvian.
——Red ditto.
Balsam of Tolu.
——Fryars.
——Peru.
——Sulphur.
British oil.
Bateman's Drops.
Balsam Capivi.
——Honey.
—— Turlingtons.
Brimstone.
Borox.
Cephalick Snuff.
Cantharides.
Cinnamon.
Chinæ Root.
Caustic Common.
——Lunar.
Colombo Root.
Calomel pl
Camomile Flowers.
Camphor.
Crem Tartar.
Cochineal.
Court Plaister.
Daffys Elixir.
Dr. Huxam's Tincture of Bark with printed directions.
Dragons Blood.
Emetic Tartar.
Elixir Vitriol aud.
——Aloes
——Paragoric
——Stoughton's
Extract Gentian.
Goulard's
Hemlock.
Ether Vitriol.
Flower Sulphur.
Benjamin.
Glauber Salts.
Gum Arabic.
Ammoniadem.
Elimi.
Assafætidæ.
Dragon.
Juniper.
Myrrh.
Opium.
Guaiacum.
Ippicacuana powd.
Isinglass.
Jalap.
Jesuits Bark.
Lavend drops.
Laudanum liquid.
Magnesia.
Manna Flake
Common.
Mercury Præcip, red.
White Rhubarb.
Mercury Corrosive Sublimate.
Nitre Purified.
Opium.
Orris Root.
Oil Anniseed.
Castor.
Cinnamon.
Cloves.
Lavender.
Mace.
Mustard Seed.
Nutmegs.
Origanum.
Peppermint.
Vitriol.
Juniper.
Carui.
Thyme.
Pills ex Duobus.
Cochia.
Dr. Hoopers.
Plaisters Diachylum.
Drawing.
Sticking.
Strengthing.
Sal Volatile.
Hartshorn Volat.
Ammon Crude.
Spermacæte.
Smelling bottles for the head ach—cut and plain with Salts.
Spirit Nitri sweet.
Vitriol.
Sarsaparilla.
Seammony.
Sennæ
Sago.
Sugar of Lead.
Syringes.
Tooth Powder.
Brushes.
Tincture Myrrh.
Turmerick Root.
Valerian ditto.
Vitriol white and blue.
Verdigrease.
Volatile salt of vinegar for the head ach, fainting or hysteric fits.
Patent Medicines of all sorts and Drugg's.
Perfumery, &c.

SNUFF & TOBACCO,
Manufactured in the best manner.
And Sold very Reasonably.

For London,

THE
JASON,
Captain THOMAS HALL.

AN exceeding fine British built ship, with a Mediterranean pass, will take in tobacco with liberty of consignment at six pounds ten shillings sterling per ton. delivered at the ships side. As great part of her cargo is already engaged, it is expected she will take her departure in a very short time. Those who are desirous of shipping in her, may apply to the Captain on board the ship at Norfolk, or the subscriber.

RICHARD HANSON.

Petersburg, May 16, 1788.

RICHMOND, May 13, 1788.

THE partnership of DUNLAP & HAYES, printers, being this day dissolved by mutual consent; all persons indebted to them are earnestly requested to make immediate payment.

APRIL 22, 1788.

WHEREAS William Meriwether of the county of Louisa, hath in consideration of value to him by me paid, contracted with the subscriber of the county of Cumberland, as will appear by a certain writing under his hand and seal, dated the 9th day of June 1787, to convey to me or my heirs or assigns, certain lands hereafter discribed, or so much thereof, as shall be valued by persons named in the said contract, to the amount of nine hundred and seventeen pounds, which sum the said Meriwether is justly indebted to me, and whereas the said Meriwether has evaded all attempts I have heretofore made to procure a valuation of the said lands, I do hereby give notice to him the said Meriwether and all other persons whatsoever, that I have directed my agent in the western country to call on the persons named in the said contract, viz Robert Mosby, Alexander Scott Bullit, Richard Terrel, James Overton, Gabriel Madison, Alexander Brackenridge, Col. Cox, Benjamin Pope, John Fowler, and Robert Todd, or any three of them, to value the said lands, notice whereof, I have also directed to be published in the Lexington papers ——I do forewarn all persons from purchasing any of the said lands, as I am determined to prosecute the said William Meriwether for a good title to the same agreeable to valuation.

500 acres part of a tract of 3000 acres lying on Goose creek, surveyed in the name of James Meriwether, in Jefferson county.

1900 acres on Gess's creek, a branch of Basheers's creek, surveyed in the name of John Overton and Nathan Read, in the same county, but now Nelson.

750 acres on Simpson's creek, surveyed in the name W. Meriwether, same county, now Nelson.

750 acres on Elk creek, a branch of Salt river, surveyed in the name of William Meriwether, in the same county.

333⅓ acres part of a tract of 500 acres in Lincoln county, on Elk Horn creek, surveyed in the name of James Meriwether.

600 acres part of a tract of 1200 acres on Harrod's creek, in Jefferson county, entered or surveyed in the name of William Meriwether.

933⅓ acres part of a tract of 1400 acres lying on Cartwright's creek, in Jefferson county, now Nelson county, entered in the name of William Meriwether.

R. JAMES.

A Great Bargain?

FOR SALE, a tract of land, in Prince Edward county, lying on the south side of Buffalo river, and within a half mile of Hampden-Sidney College. it is well watered, and timbered with oak and hickory, suitable to the culture of tobacco, wheat or corn. there is on the land two plantations fresh cleared, and in good order, sufficient to work eight hands, a young apple and peach orchard, very promising I will sell the whole, or divide it into two parts to suit the purchasers, take negroes and cash in payment One third of the purchase paid down, the remainder in two years Any person that wants a bargain, apply in time, that they may know the terms, and view the same.

JOHN PRICE.

The subscriber having just arrived here from Philadelphia, begs leave to inform the public that he has for several years past infallibly cured the bite of

A MAD DOG,

As numbers of the citizens of Philadelphia, and the neighbouring states can testify it. My ancestors for upwards of 150 years did successfully practice the same cures in Great Britain, when the ablest Physicians there, after exerting their utmost skill, have failed therein. Those who are so unfortunate as to meet with such a fatal disaster, may find an easy and effectual cure. by applying to SAMUEL GOODMAN, residing with Mr. CLOTWORTHY STEPHENSON, at the back of Dabney Miller's tavern, on Shockoe Hill.

RICHMOND, May 10, 1788.

ALGERINES.

THE Society established in the City of Philadelphia for promoting the abolition of Slavery, having considered the situation of their unfortunate countrymen, now prisoners in some of the states of Barbary, and conceiving it to be within the design of the institution to extend their attention to every species of slavery, they have appointed a committee to obtain information on this subject, in order to devise some practicable means of affording relief, to their distressed brethern. The committee therefore take this public method of requesting intelligence from the owners of the captured vessels, the friends and relations of the captives, or from foreigners or other persons who may possess a knowledge of the particular situation of the Americans who have been captured, or any circumstantial account of the mode of relief adopted by nations not in treaty with those states.

Letters addressed to any of the subscribers will receive due attention; and it being the cause of humanity, they request this notification may be inserted for a few weeks in each of the news papers on the continent.

James Pemberton, Thomas Harrison,
Jonathan Penrose, Francis Bailey,
Tench Coxe. Thomas Wister,
Richard Wells, John Oldden,
Nicholas Collins, Caleb Lownes,
William Rogers, Casper W. Haines,
Samuel P. Griffitts.

POETRY.

A SONG.

By Miss H. M. WILLIAMS.

[*From the First Volume of her Poems.*]

I.

NO riches from the ſcanty ſtore
My lover could impart;
He gave a boon I valued more—
He gave me all his heart!

II.

His ſoul ſincere; his gen'rous worth,
Might well this boſom move;
And when I aſk'd for bliſs on earth,
I only meant his love.

III.

But now from me, in ſearch of gain,
From ſhore to ſhore he flies:
Why wander riches to obtain,
When love is all I prize;

IV.

The frugal meal, the lowly cot,
If bleſt my love with thee!
That ſimple fare, that humble lot,
Were more than wealth to me.

V.

While he the dang'rous ocean braves,
My tears but vainly flow:
In pity in the faithleſs waves,
To which I pour my woe;

VI.

The night is dark, the waters deep,
Yet ſoft the billows roll;
Alas! at every breeze I weep—
The ſtorm is in my ſoul.

ANECDOTE.

WHEN the Duke of Marlborough was at Berlin, Frederick I King of Pruſſia exhibited for the Duke's entertainment a *battle of wild beaſts*. A trooper's horſe and a bull were firſt turned out; and ſoon after were let looſe a lion, a tyger, a bear and a wolf, kept hungry for the purpoſe. The tyger crawled along the ground like a cat, and jumped upon the bull's back, which ſoon brought the bull down, and then the ſcrmble began, the beaſts tearing the bull to pieces; and likewiſe one another. The wolf and the tyger were firſt diſpatched. The lion and the bear had a long conteſt. The lion with his teeth and with his claws wounded the bear in ſeveral places, but could not penetrate much farther than the ſkin. The bear ſome-how or other took the lion at an advantage, got him within his graſp, and gave him ſuch a ſqueeze, as ſqueezed the breath out of his body. The bear then furiouſly attacked the trooper's horſe, who ſtood grazing all this while at a little diſtance, and not minding what had happened; but the horſe with his hind leg gave him ſuch a kick upon the ribs, as provoked him into ten fold fury. At the ſecond attack, a ſecond kick, which fell upon his head, broke both his jaws, and laid him dead upon the ground. So that contrary to all expectation, the trooper's horſe remained maſter of the field.

THE ſubſcriber takes this method of acquainting his friends and the public, that he will in the courſe of a few days remove to a houſe on Shockœ-hill, where gentlemen, with or without ſervants or horſes, will meet with good accommodation. He returns his ſincere thanks to thoſe who have favored him with their cuſtom, and hopes for a continuance of them.

JAMES SHARP.

Richmond, May 1, 1788.

Ten Dollars Reward.

RANAWAY form the ſubſcriber on Friday the 4th of this month, a negro man named BEN about five feet nine or ten inches high, ſome what croſs-eyed, has a knot on one of his legs about the ſize of a muſquet Ball, plays on the fiddle with his left hand, had on when he went away a waiſtcoat and breeches of negro cotton dyed brown, oznabrigs ſhirt; he took with him an old red coat black laſting waiſtcoat and Breeches.—I expect he will endeavour to paſs for a freeman and will attempt to get on boars ſome veſſel on Appamattox river. Whoever delivers the ſaid fellow to me in Mecklenburg county ſhall have the above reward or five dollars if ſecured in any Jail ſo that I get him.

CLAU: CLAUSEL.

Mecklenburg, April 21 1788.

RICHMOND, April 28, 1788.

THE Subſcriber acquaints the public in general and his friends in particular, that he has removed his ſhop about two hundread yards higher up the main ſtreet, to the corner building lately kept as a Coffee-Houſe by Mrs. Ann Craig, oppoſite to Mr. Seabrook's ſtore-houſe lately occupied by Mr. W. Southgate, where he continues to retail all kinds of Drugs &. Medicines, on reaſonable terms; he has juſt received a freſh ſupply from Europe.

WILLIAM CARTER.

For Liverpool,

THE SHIP

RITSON;

JOHN CURWEN, Maſter.

A REMARKABLY ſtrong Britiſh built veſſel, has a Mediterranean paſs, is intended to ſail in eight weeks, and will take in tobacco at Norfolk, to the addreſs of Meſſrs. CROSBIE & GREENWOOD at the low freight of ſix pounds ſterling per ton, forwarded to my care. She has excellent accommodations for paſſengers.

ROBERT HAYES.

☞ Who has for ſale,

A QUANTITY of

FINE LIVERPOOL SALT;

LOOSE and in SACKS.

Norfolk, May 13, 1788.

At a Court held for York county the 17th day of March, 1788.

JEAN LOUIS REY, Plaintiff. } In Chancery.
against
DOMINIC SANS, Defendant.

THE Defendant not having entered his appearance according to law and the rules of this Court, and it appearing to the ſatisfaction of the Court that on enquiry at the Defendants uſual place of reſidence he cannot be found. On the motion of the Plaintiff by his Council, it is ordered that the ſaid Defendant do appear here on the third Monday in May next, and anſwer the Plaintiffs bill, and that a copy of this order be forth with inſerted in the Virginia Gazette for two months ſucceſſively, and publiſhed at the C hurch door of the Pariſh of York Hampton, in the bo rough and county of York, on ſome Sunday immediate ly after divine ſervice, and at the front door of the Courthouſe in the county and borough aforeſaid.

A Copy.

ROBERT H. WALLER, C. Y. C.

PASTURAGE.

EXCELLENT and extenſive

PASTURAGE,

Well encloſed, on the FALL's PLANTATION, for ſuch as chooſe to ſend HORSES by the day, week, or month. Apply to

THO. CARTER, *Overſeer.*

Manchester, May 7, 1788.

☞ *The friends and correſpondents of Meſſrs. Donald and Burton, of London, are hereby reſpectly informed that*

The BOWMAN,

Captain BUTLER,—and

PROVIDENCE,

Captain COSSINS,

Are now loading in James river, for London, to their addreſs.

The CÆSAR, Captain Atkinſon, and FRIENDS ADVENTURE, Captain Dunlop, are daily expected. This laſt ſhip will deliver the goods ſhe has on board for James river, at Norfolk, and directly proceed to Weſt-Point, on York river, where ſhe will load. Gentlemen who have goods in her will be ſo obliging as to lodge orders with their friends at Norfolk, to have them entered, that the ſhip may meet with diſpatch. She is a fine new American built veſſel, 400 hogſheads burthen.

I have ſeveral elegant CARRIAGES, a few pipes Madeira wine, quarter caſks Sherry, Burlington pork in barrels, and an aſſortment of SPRING GOODS, which I will ſell low for caſh or tobacco.

JAMES BROWN.

Richmond, May 6, 1788.

To be Rented,

And entered on the 1ſt day of JUNE next,

THE BRICK HOUSE,

In the city of RICHMOND,

Belonging to the eſtate of the late Dr. ROBERT BROWN, now in the poſſeſſion of George Fleming, Eſquire. The convenient and agreeable ſituation is well known, the cellar perfectly dry at all times. A dwelling houſe, with garden and paſture, may be had with the ſtore. The whole, or part, to be let for one or more years. For terms apply to

JAMES LYLE, } Ex'ors.
JOHN M'KEAND, }

Manchester, April 17, 1788.

Juſt Imported,

From London, and to be ſold at T. NICOLSON's Printing Office, a choice collection of

MAGAZINES,

Neatly Bound and Lettered,

Of which are the FOLLOWING:

NOVELLEST, containing Pamela, or virtue rewarded.—Ditto Sentimental Journey.—Adventures of David Simple.—Hiſtory of Jonathan Wild the Great.—Devil on two Sticks.—Ditto Arabian Nights Entertainment.—Ditto Triſtram Shandy.—Chineſe Tales.—The Siſters, Almorand and Hammet, an oriental tale.—Joſeph Andrews.—Parliamentary Regiſter for 1785.—Ditto vol. 19 and 20.—Wits Magazine, 2 vols.—Faſhionable do.—Gentleman's do. for 1785 and 86.—European do. for 1785 and 86.—Political do. for 1785 and 86.—Univerſal do. for 1785 and 86.—Weſtminſter do. for 1785.—Town and Country do. for 1785 and86.—Ladies do. for 1785 and 86.—New Ladies do. for 1786.—New London do. for 1786.—The Rambler.—The whole of the Magazines are furniſhed with a number of elegant copperplates.—One elegant violin, with caſe and ſpare ſtrings.—Twenty four dances and cotillions.—Alſo a variety of Songs, ſet to muſic.

☞ *A few copies of the* LAWS *of laſt ſeſſion of Aſſembly.*

County Court Clerks, merchants, ſheriffs, naval-officers, and others may be furniſhed with any of the undermentioned BLANKS, at the ſhorteſt notice, by the Printer hereof, viz

COUNTY COURT.

PETITION & SUMMONS.
SUBPOENAS.
WRITS.
ATTACHMENTS.
EXECUTIONS.
EXECUTORS BONDS.
ADMINISTRATORS ditto.
ORPHANS ditto.

SHERIFFS.

EXECUTION BONDS, of four kinds
APPEARANCE ditto.
PRISON BOUND ditto.

MERCHANTS.

COMMON BONDS.
NOTES OF HAND.
BILLS OF EXCHANGE.
BILLS OF LADING.
BILLS OF SALE.
DEEDS OF TRUST.
DEEDS FOR LAND.
SEAMEN's ARTICLES.
INDENTURES &c.

NAVAL OFFICERS.

DUTYBONDS.
CLEARANCES.
PERMITS, &c.

Declarations for Lawyers,

OF VARIOUS FORMS.

M'MURRAY's MAP OF THE UNITED STATES,

May be had at this Office.

ACTS OF ASSEMBLY,

Printed ſince the reviſed code, viz. For the years 1784, 85, 86, and 87.

290